

NATURAL RESOURCES - OPEN SPACE AND RECREATION

Town of Eastham Goals and Minimum Performance Standards

The Cape Cod Commission, through its Regional Policy Plan for Barnstable County, has established overall planning goals and minimum performance standards for open space and recreation. Eastham's goals and performance standards are consistent with the Regional Policy Plan.

- 2.5.1 Goal:** To preserve and enhance the availability of open space on Cape Cod and provide wildlife habitat, recreation opportunities, and protect the natural resources, scenery, groundwater quality, air quality, and character of Cape Cod, Barnstable County shall strive to protect as open space at least 50% of the developable land remaining as of 1996.

Minimum Performance Standards

- 2.5.1.1 Development or redevelopment within significant Natural Resource Areas, as illustrated on the Cape Cod Significant Natural Resource Area Map dated January 10, 2002, as amended, shall be clustered away from sensitive resources and maintain a continuous corridor to preserve interior wildlife habitat. Where a property straddles the boundary of an area shown on this map, development shall be clustered outside the boundary. The primary function of these areas is the provision of groundwater recharge, wildlife habitat, open space, scenic roadways, appropriate recreational opportunities and protection of the Cape's natural character.
- 2.5.1.2 Preserved open space within proposed developments shall be designed to be contiguous and interconnecting with adjacent open space, and shall be subject to permanent conservation restrictions. Eastham may develop bonus provisions through their local by-laws to allow increased density for preservation of additional high quality open space. Additional guidance on dedication of open space for Developments of Regional Impact can be found in the Guidelines for Calculation and Provision of Open Space in Developments of Regional Impact, Technical Bulletin 94-001, as amended.
- 2.5.1.3 Residential, commercial, and industrial development qualifying as a Development of Regional Impact shall provide permanently restricted upland open space in accordance with the proportional calculation described below. Where appropriate, credit may be obtained for set aside of off-site open space or a contribution of funds may be made to the town, state, land trust, or the Compact of Cape Cod Conservation Trusts' Land Fund for open space acquisition at a per-point rate to be specified in the Guidelines for Calculation and Provision of Open Space in Developments of Regional Impact, Technical Bulletin 94-001, as amended. Off-site open space shall be provided in the town where development is proposed, unless the Commission finds, in consultation with the relevant towns, that the provision of off-site open space in an adjacent community on Cape Cod is appropriate.

Open space shall be designed to protect those portions of the site with the highest natural resource values as identified by a natural resources inventory. Within open space areas, the maximum amount of natural vegetation shall be maintained. No credit may be obtained for land that is set aside as open space on a residential lot on which a dwelling exists or may be built unless the lot is at least three acres in size. Where development consists of more than one type or is located in more than one area, open space totals shall be determined for each area and added together. No credit may be obtained for areas that have been dedicated as open space prior to the date of application. Where new development is proposed within Significant Natural Resource Areas, open space shall be provided within these areas. The requirements for Significant Natural Resource Areas shall apply to any certified Growth/Active Centers or Growth Incentive Zones that are located within a Significant Natural Resource Area, with exceptions as noted in Minimum Performance Standard 2.5.1.7. For the purpose of calculating the open space requirements, the development area for a project is any upland area affected by “development” as defined in the definitions section of the Regional Policy Plan, 2002, and as specified in Technical Bulletin, 94-001, as amended.

For proportional Calculation of Site Area for new development see Regional Policy Plan 2002, p 66.

- 2.5.1.4 Residential, commercial, and industrial redevelopment that qualifies as a Development of Regional Impact shall meet the open space requirements of MPS 2.5.1.3, except where the proportion of existing development to open space on the development parcel is less than that which is required, in which case the existing proportion shall be maintained. Redevelopment projects in Significant Natural Resource Areas shall provide no less than a 2:1 development to open space proportion either as on-site open space or an equivalent cash or off-site contribution, regardless of existing proportions, with exceptions as noted in Minimum Performance Standard 6.1.7.
- 2.5.1.5 In the design of developments, significant natural and fragile areas including critical wildlife and plant habitat; water resources such as lakes, rivers, aquifers, shore lands, and wetlands; historic, cultural, and archaeological areas; significant scenic roads and views; “unfragmented” forest (as mapped by the Cape Cod Commission); and significant landforms shall be protected.
- 2.5.1.6 Where development is proposed adjacent to land held for conservation and preservation purposes, the development shall be configured so as to prevent adverse impacts to these lands and in a manner that maximizes contiguous open space.
- 2.5.1.7 Notwithstanding Significant Natural Resource Area designation, where development is proposed in Growth Incentive Zones, the open space requirement shall be reduced to the proportion required for Growth Incentive Zones where a natural resources inventory demonstrates that there are no wetlands, surface water bodies, vernal pools, estimated rare species habitat, agricultural soils, priority natural communities, critical upland

areas, public water supply Wellhead Protection Areas, or other unique or fragile habitat within 100 feet of the site boundary.

- 2.5.1.8 As an incentive toward reducing the generation of impervious areas, protecting open space, and maintaining or improving community character, projects meeting parking requirements under proposed buildings or as a multi-storied parking garage may reduce their open space requirement by an amount equivalent to one half the area of each floor of garaged parking provided. Open space credit may not be obtained for parking spaces provided in excess of the minimum number of spaces required by local zoning.

- 2.5.2 Goal:** To preserve and enhance opportunities for passive and active recreation in the natural environment to meet the needs of both residents and visitors.

Development Review Policies

- 2.5.2.1 Recreational needs as identified in the 2000 Statewide Comprehensive Outdoor Recreation Plan, Local Comprehensive Plan, and open space plan should be addressed in the development of projects. Such needs include opportunities for wildlife study, expansion of trail corridors, protection of scenic roadways, development and expansion of access for the disabled, additional public beaches, and water-based recreational opportunities with associated parking facilities to the extent these minimize alteration of natural shorelines and do not harm wildlife habitat.
- 2.5.2.2 New development should provide suitable recreation and play areas to meet the needs of the residents of that development such as ball fields, playgrounds, basketball courts, or bicycle and walking paths.

Inventory of Existing Conditions

Protected Open Space

a. Cape Cod National Seashore

The Cape Cod National Seashore along Eastham's eastern boundary provides a passive and active recreational facility of more than 3,000 acres or close to one-third of the Town. The Seashore is a favorite national destination spot and provides miles of beaches, swimming, windsurfing, nature trails, bicycling, horseback riding, fishing and hunting. The park is operated by the National Park Service (U.S. Department of the Interior), and was established by an Act of the U.S. Congress on August 7, 1961. The legislation protects the land by specifying preservation as the primary goal:

"In order that the Seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures."

The legislation does allow the National Park Service to:

"... provide for the public enjoyment and understanding of unique natural, historic and scientific features of Cape Cod within the Seashore by establishing such trails, observation points, and exhibits and providing such services as may be deemed desirable for such public enjoyment and understanding..."

The Seashore receives approximately five million visitors yearly and virtually all of these visitors pass through the town of Eastham. The Salt Pond Visitor Center in Eastham is one of the main entrances to the Seashore. Other National Seashore attractions within the town of Eastham include Fort Hill, Nauset Light Beach and Coast Guard Beach, and Doane Rock Picnic Area.

The National Seashore has one beautiful sandy beach in Eastham with two entrances. The beach extends from the spit south of Coast Guard Beach to Wellfleet. The Coast Guard maintained a sea rescue station at this location, hence its name. A total of 825,000 people visit the beach annually. The National Seashore maintains 55 parking spaces with comfort facilities provided including outside showers for bathers. The National Seashore provides additional parking off Doane Road at both the Doane Rock and Little Creek areas. Shuttle service is provided to both Coast Guard and Nauset Light beaches from these parking areas.

Nauset Light beach is approximately two miles north of Coast Guard beach. This beach provides 150 parking spaces and receives 700,000 visitors each year. A comfort station and showers are provided.

Park rangers patrol the Seashore throughout the year. They also provide guided tours to many of the Seashore's attractions and historic sites. There is also a large Visitors Center with many on-going activities.

b. Town Owned Open Space

Eastham has over four hundred and eighty five acres of Town owned open space holdings, some of which are also historic areas. These areas provide a variety of outdoor experiences to both residents and visitors. In addition, the Town owns 64 acres of land known as the Roach property located on North Sunken Meadow Road and is in the process of determining its use.

Table 8: Town-Owned Open Space

Name	Location	Acreage
South Eastham Conservation area	Peach Orchard Way	24.0
Cottontail Acres (Horton)	Samoset Road	18.0
Boat Meadow	off Bridge Road	168.5
Deacon Paine Road	Deacon Paine Road	0.7
Minister's Pond	Schoolhouse Road	5.0
Herring River	off Herring Brook Road	13.5
North Sunken Meadow		12.4
Nickerson Parcel	Cole Road West	26.6
Outer Beach	Map #30 D 5	2.0
Rock Harbor	Dyer Prince Road	10.0
Salt Marsh	Map #67 E 2	2.5
Sunken Meadow	Map #65 B 2	2.0
Sunset Avenue	Map #28 G 2	5.5
Town Forest	Map #33 C 4 & C 5	128.0
Eastham Windmill	Samoset Road	1.6
Wiley Park	Herringbrook Road	40.0
*Upper Boat Meadow	Smith Lane	19.2
Gutzler	John Thomas	5.6
Total Town-owned Open Space:		485.1

** This was purchased from the Aschettinos, 1/3/02.
Source: Eastham Open Space Committee*

c. Eastham Conservation Foundation

Table 9 lists the land holdings of the Eastham Conservation Foundation, which include 43 parcels ranging in size from under one acre to more than 30 acres. To date, the Conservation Foundation has acquired over 214 acres, of which almost 76 percent is considered wetlands.

Map 6: Open Space Map

Table 9: Landholdings of the Eastham Conservation Foundation

ID	date	GRANTOR	Total	up	wet	HABITAT	map	pel
001	Dec-80	WILLIAM F. KENNEY	21.21	0.00	21.21	SALT MARSH	13	115
002	Nov-82	RICHARD & KATE WALLACE	1.15	1.01	0.14	SALT MARSH / UPLAND	20	009
003	Dec-83	ARTHUR & JOSEPHINE KING	0.80	0.20	0.60	SALT MARSH	01	042
004	Nov-84	DAVID & AUDREY GREENWALD	0.67	0.67	0.00	ERODING BLUFF	23	017
05B	Feb-85	ROBERT THAYER	15.21	0.00	15.21	SALT MARSH	14	010
05A	Feb-85	ROBERT THAYER	0.73	0.52	0.21	SALT MARSH & COASTAL	14	011
006	Jun-86	SALT MEADOW CORP. (HEFFERNAN)	9.49	1.51	7.98	VEGETATED WET	17	031
007	Sep-86	DANIEL & HAZEL PEASE	0.77	0.00	0.77	SHRUB SWAMP	12	042A
008	Jan-89	NATURE CONSERVANCY (THOMAS)	1.03	0.68	0.35	COASTAL DUNE, BEACH	13	059
009	Dec-90	LAURA KELLY	25.95	1.44	24.51	MARSH - OLD BOG	17	687
010	Dec-90	NANCY H. HELLER	1.24	1.24	0.00	UPLAND LOCUST GROVE	15	120
011	Aug-91	J. A. STOEHR & P. NICHOLSON	3.09	3.09	0.00	PINE & HARDWOOD	02	002
014	Dec-91	MARGARET WEILER	3.49	3.49	0.00	PINE & HARDWOOD	05	027
015	Dec-91	V. VAN KEUREN & C. FELDMANN	0.70	0.49	0.21	SALT MARSH & UPLAN	19	106
018	May-92	CAPOWACK TRUST	19.85	0.51	19.34	WHITE CEDAR,		
					MAPLE SWAMP		18	225
019A	Dec-92	V. VAN KEUREN & C. FELDMANN	0.28	0.28	0.00	PINE WOODS	12	262
019B	Dec-92	V. VAN KEUREN & C. FELDMANN	0.32	0.32	0.00	PINE OAK WOODS	12	267
020	Aug-93	LAURA KELLY	5.40	3.69	1.71	PINE WOODS/ MARSHBOG	17	772
022	Nov-93	COLLIS D. & JOANNE D. PETERS	34.25	0.00	34.25	SALT MARSH	17	491
023	Dec-93	ROBERT & DOROTHY MATHER	0.51	0.00	0.51	SHRUB SWAMP	19	064
024	Jun-94	ABNER & ELIZABETH PRATT	0.46	0.43	0.03	PINE / OAK WOODS	15	019
025	Jun-94	NANCY HELLER (HOFFMAN)	1.24	0.69	0.55	LOCUST GROVE	18	314
026	Oct-94	TOREY MONTESSI & CAMILLA BERRI	3.79	3.79	0.00	PINE / OAK WOODS	05	021
027A	Nov-94	DANIEL & HAZEL PEASE	1.24	0.52	0.72	SHRUB SWAMP	12	037A
027B	Nov-94	DANIEL & HAZEL PEASE	0.87	0.67	0.20	PINE WOODS	12	038A
028	Dec-94	PHILLIP D. CHASE, SR.	7.43	7.43	0.00	PINE / OAK WOODS	05	023B
029A	Dec-94	BEATRICE BURKE (CODDING)	1.34	1.34	0.00	DUNE, BEACH	19	038
029B	Dec-94	BEATRICE BURKE (CODDING)	1.08	1.08	0.00	DUNE	19	039A
030	Jan-95	CHASE HIGGINS REALTY TRUST	2.54	0.00	2.54	SALT MARSH	13	124
031	Aug-95	MILDRED H. CUMMINGS	0.35	0.35	0.00	CEDAR FIELD	12	203
032	Nov-95	JOHN J. COLEMAN	1.91	1.91	0.00	PINE / OAK WOODS	06	143
033	Nov-95	ALBERT J. AVELLAR, JR.	1.79	0.00	1.79	SALT MARSH	20	091
035	Dec-95	JOHN R. SIBLEY	26.66	1.51	25.15	SALT MARSH / OLD BOG	01	015
036	Oct-96	MARY SUE DUNSFORD	0.62	0.12	0.50	VERNAL POOL	18	155
038	Aug-97	BERNADETTE L. RYDER	2.70	0.00	2.70	SALT MARSH	16	007
039	Oct-97	RICHARD A. MARTIN	1.01	0.75	0.26	MIXED TRANSITION	19	115D
040	Oct-97	RICHARD A. MARTIN	0.42	0.39	0.03	SHRUB THICKET	19	115C
043	Mar-98	JAMES N. CARTER	1.30	0.33	0.97	SALT MARSH; BANK	14	006
041	Jun-98	BARBARA E. (MAIR) LITTLE	0.67	0.36	0.31	PONDShORE, WETLAND	11	348
042	Nov-98	PHILIP H. & MAYBRITT L. RYDER	0.71	0.42	0.29	PONDShORE	11	366
044	Jun-99	LAURA R. KELLY	6.85	6.25	0.60	COASTAL HEATH	17	687
045	Jun-00	WYMAN RICHARDSON	0.75	0.50	0.25	VERNAL POOL & UPLAND	12	212
047	Dec-00	JACQUELINE DUFFEK	2.83	2.83	0.00	UPLAND BORDERING	20	058
TOTAL			214.7	50.8	163.9			

Source: Eastham Conservation Foundation, Inc

d. Land Protected by Conservation Restrictions

Eastham has adopted guidelines that set forth conservation restriction procedures for the Town. Conservation restrictions place limits on the future development of a parcel of land thereby retaining it in a natural or open condition. The title remains with the owner and public access is not necessarily provided. An organization, such as the Eastham Conservation Foundation or Massachusetts Audubon Society generally holds the restriction. The town's guidelines note "studies have indicated that restricted land generates a substantial net savings to the town." It adds, "...for this reason, every effort should be made to promote conservation restrictions in the town." Land of any size may be placed under conservation restriction and such restrictions generally carry an 85% tax abatement (95% if public access is permitted). The following parcels are subject to a conservation restriction in the town.

Table 10: Land Protected By Conservation Restrictions

ID	DATE	GRANTOR	TOTAL	UPLAND	WET	HABITAT	MAP	PARCEL
012	Sep-91	ERNEST & WILLA HOLLIS	2.74	1.58	1.16	POND & FIELD	08	295A
013	Oct-91	MARIAN THOMAS	1.01	1.01	0.00	POND FRONTAGE & PINE WOODS	13	079
016	Dec-91	LAURA KELLY	10.83	10.50	0.33	MIXED PINE & HARDWOOD	17	687G
017	May-92	ESTATE OF CODDING	7.55	3.02	1.51	DUNE, FIELD, BEACH, MARSH	19	041
021	Oct-93	OPEL / EMERSON	3.32	2.78	0.54	MIXED PINE WOODS / SWAMP	11	061
034	Nov-95	MARIAN P. THOMAS	5.45	5.45	0.00	COASTAL HEATH / DUNE	13	74B
037	Dec-96	MILDRED CUMMINGS	6.50	4.49	2.01	POND; PINE WOODS	12	300
046	Dec-00	COOK & HAKE	1.41	0.60	0.21	VERNAL POOL AND UPLAND	12	234
048	Nov-01	SIBLEY	5.60	5.60	0.00	PINE OAK WOODS	01	074
049	Nov-01	KOSARICK	7.70	7.70	0.00	PINE WOODS	04	456
TOTAL			52.11	44.45	7.66			

Source: Eastham Conservation Foundation, Inc

Other Critical Open Lands

a. Preferentially Taxed Lands

There are three state programs, known as preferential assessments, which provide for reduced property taxes for landowners. These are Chapter 61--the Forestland Act, Chapter 61A--the Farmland Assessment Act and Chapter 61B--the Open Space Act. A landowner participating in one of these programs commits a property to agriculture, forest or recreation for a period of time. In exchange, the town reduces taxes and is granted the right to purchase the property if and when it is removed from the Chapter 61 classification for conversion to residential, commercial or industrial use. Under these programs, the reduction in taxes is generally 75-95%. A landowner must pay penalties if the land is removed from the program.

Lands in this program should not be considered protected open space. The town has 120 days in order to purchase property in one of these programs under the right of first refusal

provision and must match a bona fide purchase price. The town's option can also be assigned to a nonprofit organization. However, in many cases towns do not have the financial ability to purchase these lands unless they have planned ahead for such acquisitions.

Table 11: Land Subject to Preferential Taxation

Program	Owner/Location	Acreage
Chapter 61	Fellers/255 Higgins Rd.	35.40
Chapter 61A	G. Handel/1765 Massasoit Rd.	11.69
Chapter 61B	Atlantic Oaks (Campground) Rt. 6	17.10
Chapter 61B	C. Baldwin/Dyer Prince Rd.	<u>22.66</u>
Total Acreage Subject to Preferential Taxation:		86.85

Source: Eastham Assessors Records

b. Ponds

There are eleven (11) ponds in Eastham: Molls, Minister's, Great, Long, Jemima, Muddy, Herring, Depot, Widow Harding, Baker's and Deborah's Pond. These ponds, which are surface expressions of groundwater, have good water quality, and provide swimming and boating opportunities. Many of these ponds are privately owned. In addition to these ponds, four additional surface water bodies exist. These include Salt Pond Bay, Nauset Bay, Herring River, and Boat Meadow River.

Table 12: Eastham's Largest Ponds (Acres)

Great Pond	109
Herring Pond, (Coles Pond)	43
Long Pond (Depot Pond)	25
Minister's Pond (Meetinghouse Pond, Eastham Center Pond)	21
Little Muddy Pond (Muddy Pond, Mill Pond)	11
Bridge Pond	10
Widow Harding Pond	9
Jemima Pond	6
Total	<u>234</u> acres

c. Landings and Beaches

Public access to water in Eastham is found in many forms. Eastham has 10 Town landings and 11 Town beaches, totaling 66 acres, as shown on Table 13 below. These beaches provide extensive recreational opportunities including swimming, fishing, boating, surfing and walking.

For a complete listing of public access to water and the facilities offered at each, including the beaches belonging to the Cape Cod National Seashore, see Table 14 next page.

Table 13: Town-Owned Landings and Beaches

Name	Location	Acreage
Boat Meadow Landing	Bay View Drive	8.3
Collins Landing	Route 6	0.1
Great Pond Landing and Beach	Great Pond Road	1.0
Minister's Pond Landing and Beach (Fishermans Landing)	Schoolhouse Road	1.0
Salt Pond Landing	Route 6	6.4
Hemenway Landing	Hemenway Road	1.3
Jemima Pond Landing	Samoset Road	0.7
Herring Pond Landing & Beach	Herring Brook Road	0.9
Campground Beach	Campground Road	2.2
Cooks Brook Beach	Steele Road	4.3
Sunken Meadow Beach	S Sunken Meadow Rd	1.0
Thumpertown Beach	Thumpertown Beach Rd	1.0
Cole Road Beach	Cole Road	1.0
First Encounter Beach	Samoset Road	34.0
Wiley Park Herring Brook Road	2.5	
Kingsbury Beach	Kingsbury Beach Road	0.3
Rock Harbor Landing	Dyer Prince	<u>N/A</u>
Total Town-Owned Landings and Beaches:		66.0Acres

Source: Eastham Open Space Committee

Recreational Facilities

a. Town Facilities

There are three indoor facilities primarily used for recreational activities. These include: the Nauset Regional High School gymnasium, the Eastham Elementary School gymnasium, and the Eastham Council on Aging facilities.

Outdoor active recreational facilities include the Nauset Regional High School soccer field, track and tennis courts; the Eastham Elementary School ball field and playground; the baseball, softball and soccer field and basketball court behind the Town Hall and the Wiley Park playground, bridle path and swimming area. The following is a list of recreation facilities including National Seashore Beaches:

Table 14: Recreation Facilities

Location	Docks/Piers Floats	Launch	Beach	Picnic	Showers	Restroom
Boatmeadow			X			
Campground Beach			X		X	
Coast Guard Beach			X		X	X
Cole Road			X			
Collins Landing			X			
Cooks Brook Beach			X			X
Doane Rock				X		X
First Encounter Beach			X			X
Great Pond Beach		X	X			X
Hemenway		X				
Herring Pond		X	X			X
Jemima Pond		X				
Kingsbury			X			
Minister's Pond			X			
Nauset Light Beach			X		X	X
Rock Harbor	X	X				
Salt Pond		X				
Sunken Meadow Beach			X			
Thumpertown			X			X
Wiley Park	X		X	X		X

Source: Local Comprehensive Planning Committee

b. Cape Cod Rail Trail

Recreation Facilities

Cape Cod is home to some of the best cycling available in New England today. It is the home of the famous Cape Cod Rail Trail; a twenty eight-mile paved trail. The Rail Trail extends from Route 134 in South Dennis to Lecounts Hollow Road in South Wellfleet. The Rail Trail occupies a former Rail Road right of way, which was used to bring passengers and freight to Cape Cod in the early 1800's to approximately 1960. The Department of Environmental Management of Massachusetts manages the trail. The trail passes by many points of interest and several pristine ponds and lakes suitable for swimming and picnics. The trail is patrolled by the staff of Nickerson State Park and local police officers assigned to bike patrol.

In Eastham the Cape Cod Rail Trail runs north to south for approximately six miles. The trail is approximately eight feet in width and provides a walking and biking route connecting the towns of Orleans to the south and Wellfleet to the north. Limited parking for vehicles and restrooms are provided in Eastham along this trail. The National Seashore Bike Trail runs from National Seashore Visitor Center (Nauset Road at Route 6) to Coast Guard Beach (approximately 1-1/2 miles). Parking is provided in the Visitor Center. Several biking/hiking trails, which would link the existing Cape Cod Rail Trail and the National Seashore Bike Trail, and allow for additional non-motorized access to the Bay and Ocean sides, have been proposed; one of which would take advantage of the Cape Cod Regional High School parking facilities.

Proposed Bike Routes in Eastham:

1. A route from Nauset Regional High School to Nauset Beach and Coast Guard Beach.
2. A route from the National Seashore Visitor Center to the bay beaches.
3. A route from where the existing trail intersects with Brackett Road to the North Eastham Post Office shopping area to eliminate bike traffic on Brackett Road.

c. Camping Opportunities

There are no publicly managed campgrounds in Eastham. There is one private campground on Route 6 that permits tent camping.

Analysis of Open Space and Recreation Needs

Current and Future Demand for Open Space and Recreational Opportunities

Eastham has a great diversity of open space and recreation opportunities as demonstrated in the inventory above. At the same time, the Town has a very active retired population. The survey conducted by Eastham's Local Comprehensive Planning Committee shows that the amount and frequency of use of open space and recreation facilities by Eastham residents does not really decrease until after age 80.

In the 1995 Capewide Residents Survey conducted by the Cape Cod Commission 87% of residents said that "amount of open space" was important to them in making the decision to live or vacation on Cape Cod and 77% cited "recreational opportunities." In addition, residents supported increasing taxes to pay for acquisition of open space for water supply protection (81%) and passive recreational use (64%). A total of 67% supported a town land acquisition program to limit the potential population growth in their town. A requirement that developers of all large projects donate land to the community for use as public open space was supported by 66% of those responding. Although the 1995 survey did not have a large enough sample size to compare results among towns, a similar survey conducted in 1990 permitted such comparisons. It is notable that Eastham residents' responses were consistent with those of the rest of Cape Codders in most cases with regard to open space issues. Despite the presence of Cape Cod National Seashore, 43% of Eastham residents stated in 1990 that loss of open space was a serious problem facing their town, compared with 49% for the Cape as a whole. In addition, in 1990 51% of Eastham residents supported legislation to create a land bank through a real estate transfer tax, the second highest margin of support in any town on Cape Cod (Wellfleet was the highest). Support for this proposal was even greater in the 1995 survey.

It is clear from the Land Use and Transportation elements of the Eastham Local Comprehensive Plan that the impacts of buildout of the town will adversely affect community character and the functioning of the town's transportation network. Based on long-term growth trends, it appears that all of the town's vacant residential land could be developed by 2010 -- a mere 8 years away. The town's 2000 year-round population was 5453, and by 2010 it is projected to be between 6220 and 14,100 depending on the proportion of seasonal to year-round residences that is used in the estimation. Based on the 485.1 acres of open space and the current population, the protected open space per capita is .89 acres. This additional growth will create increased pressure on existing open space and recreation facilities and will also reduce the amount of perceived open space within the Town of Eastham. "Perceived" open space is a total of protected open space combined with undeveloped land. As these undeveloped lands are converted to residential use, the amount of "elbow room" within the Town will be reduced.

It is clear that unless additional open space is acquired, the amount of protected open space per person will be dramatically reduced by projected levels of residential growth over the next 8 years. In the process the character of the community – and of individual neighborhoods – will be changed.

The town has several options for changing this future scenario – reducing the amount of growth through changes in zoning, undertaking an ambitious land protection program or some combination of the two. Data from the Outer Cape Capacity Analysis indicates that most existing vacant residential lots in the Town are less than one acre. Only 17 lots are greater than 5 acres and those would support approximately 96 dwellings. It appears, therefore, that changes in zoning are unlikely to significantly alter future build out projections, making land protection the best method for reducing overall buildout.

Eastham has an approved Open Space and Recreation Plan on file with the Massachusetts Department of Environmental Management. This plan is water driven, that is to say that

protection of water resources is the goal on which all other goals hinge. The overall strategy of protecting half of the remaining undeveloped land in Eastham looks to protect groundwater, surface water and coastal resources. Bounded on two sides by water and with many interior ponds, wetlands and coastal embayments, the relationship between land and water is critical. A set of criteria has been set forth in this plan that guides the selection of open space purchase.

Eastham also maintains an Open Space Lands Management Plan which designates the tasks to be done annually in order to maintain town owned open space properties in keeping with the following three goals: 1. Keep it natural, 2. Make it accessible and 3. Render it educational. These plans are maintained by the Open Space Committee, which is also responsible for recommending Land Bank expenditures to Town Meeting.

Opportunities to Meet Town Open Space Needs

a. Funding for Land Protection.

There are a variety of potential funding sources for open space acquisition. An act of the Massachusetts legislature authorized establishment of a Cape Cod open space Land Bank Act. The Town has adopted the program placing a three percent tax on each real estate levy within the Town until January 1, 2020. Revenue from this Land Bank fund was the major component in the purchase of the 19.2-acre Upper Boat Meadow parcel in January 2002. The Massachusetts Legislature also has adopted an Open Space Bond Bill that provides funds for local acquisition projects. Funds from this program have been used to help purchase 43.2 acres of open space in Eastham. The Town has created its own land acquisition fund into which \$75,000 is appropriated annually from free cash as available. Additional funds for acquisition of Cape Cod Pathways trail linkages (see below) may come from DEM trail grants, Land Bank or land trust purchases, negotiation of easements or other sources.

b. Subdivision Control Law/Special Permits

Chapter 41, Section 81U provides that "before approval of a plan by a planning board, said board shall also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land, and if so determined said board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval."

During this three-year period the town could seek funds to compensate the developer for such open space/park dedication. This provision offers an opportunity to provide for the open space and recreational needs of residents within the larger subdivisions in the town.

In addition, the Town should consider making greater use of cluster zoning to provide open space within residential subdivisions. Assessors' data indicates that there are only 5 parcels greater than 10 acres within the Town. There are approximately 12 parcels between 5 and 10 acres. Expanding the use of the cluster bylaw to parcels that are a minimum of 5 acres in size would allow for greater use of this bylaw provision, and at the same time allow for design that accomplishes open space protection objectives.

Opportunities to Meet Town Recreational Needs

Perceiving a need for a specific beach facility for Town residents a group of advocates has formed a committee to explore establishment of a beach/parking lot south of Nauset Light Beach with facilities on Town owned land. The committee's proposal is structured to relieve the Town of any financial obligation. The proposal received strong support by resolution at the May 2002 Town Meeting. It must now address regulatory and environmental issues in appearances before appropriate Town boards and/or commissions.

Eastham will play an important role in the Cape Cod Pathways project. Cape Cod Pathways is a regional effort to create a Capewide interconnected network of walking trails. The Barnstable County Commissioners/Cape Cod Commission are coordinating this project with assistance from several other agencies and organizations. The Eastham Board of Selectmen has endorsed this project. The County and the Town will be working together over the next few years to identify trail routes, identify acquisition needs and dedicate trail segments. The first priority within the Town of Eastham is to identify a north-south "spine" for the trail. Lateral trail segments will also be planned. Biking/hiking connectors from the existing Cape Cod Rail Trail to the bay and ocean sides would provide for increased recreational opportunities.

Safety issues are a concern along the existing bike paths. Painted crossings on major roads, signage for motorists and cyclists, lighting where appropriate, emergency telephones and courses on bicycle safety should be provided. A Hiking/Bikeways Committee could recommend mitigating measures for potential problems and additional bicycle routes. In addition to connectors, parking facilities and comfort stations must be provided for these routes.

Need for an Open Space and Recreation Plan

The last Open Space and Recreation Plan for Eastham was submitted in 1999. This Plan should be updated every five (5) years in order to be eligible for State Open Space funding and to assess the current and projected open space and recreation plans for the Town. This is particularly important in view of the recently adopted Open Space Bond bill, which contains millions of dollars for local open space acquisition. The town's Open Space Plan has identified and prioritized areas in need of protection and/or acquisition by the Town.

Implementation

The following recommendations are suggested to maintain and improve the existing level of open space protection and recreation facilities and programs.

Recommended Town Actions

- A. Develop a comprehensive open space protection program in order to meet future open space and recreation needs, protect community character, reduce growth pressures and maintain community fiscal health. This program should include expanded use of town acquisitions, conservation restrictions, subdivision set-asides, protection of tax title lands and other methods of open space protection. Priority shall be given to the following areas:
 - 1) Zones of contribution to public water supply wells
 - 2) Future water supply areas
 - 3) Investigate feasibility of establishing a beach/parking lot on Ocean View Drive
 - 4) Construction of a multi-use building on town owned property for sport activities
 - 5) Rare species habitat and other critical habitats
 - 6) Unfragmented forest habitat
 - 7) Missing links between open space areas identified within the Capewide Greenbelt or Cape Cod Pathways/Bikeways networks.
- B. Update its Open Space and Recreation Plan every five (5) years and submit it to the State to maintain eligibility for Open Space funding under federal and state grant programs.
- C. Work with the Eastham Conservation Foundation to identify, acquire and manage open space and conservation restrictions. Priority should be given to the protection of significant natural and fragile areas described in 6.1.5 of this section.
- D. Work with the Eastham Conservation Foundation and with landowners participating in the Chapter 61 programs to acquire conservation restrictions on those lands or should set aside funds for their purchase if they are proposed to be sold for development.
- E. Develop a cluster by-law and actively promote its use where this alternative would allow protection of open space and recreation lands, environmentally sensitive areas and/or provide for needed trail corridors.
- F. Amend its subdivision regulations to take advantage of Section 81U of the Subdivision Control Law which permits towns to require open space set-asides within subdivisions for future acquisition.
- G. Continue to maintain and protect public access to both freshwater and saltwater bodies for recreational purposes.

- H. Investigate possible loops or connectors with the existing biking and walking paths, identify parcels for acquisition, establish a bike safety course, recommend measures to mitigate safety concerns, and identify opportunities for additional parking in proximity to the Cape Cod Rail Trail. In particular the Town should work with the National Park Service to develop open space and trail linkages to the Cape Cod National Seashore.
 - I. Maintain Town-owned land within the Cape Cod National Seashore as open space.
 - J. Continue to expand the current programs to include all age groups and consider additional sites for ball field and basketball facilities. In addition, the Recreation Commission should consider entering into an agreement with private resources in Town for an indoor swimming program for all age groups.
 - K. Construct a multi-use sports building.
 - L. Encourage landowners to restore blighted or abandoned areas to open space.
 - M. Aggressively seek to acquire tax title lands and hold them for community purposes such as open space and recreation where such use would be consistent with the Open Space and Recreation Plan.
 - N. Evaluate the need for a youth center community facility.
 - O. Consider recreation needs in the development of plans for the Town Hall area and for the Route 6 and Brackett Road area.
 - P. Revise Open Space Map to include key differentiating between types of ownership/control (e.g., town-owned open space, recreation areas, national seashore, land trusts, etc.)
- See “Open Space and Recreation” in the Implementation section.

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